

From: Jem Lewis
To: Microsoft ATR
Date: 1/26/02 8:57am
Subject: Microsoft Settlement

To Whom it May Concern,

I would like to voice my opinion that the proposed Microsoft settlement be rejected. I have been reading up on various details of the settlement, and I believe that as proposed the settlement can only hurt consumers like myself, which I understand would be counter to the purpose of the antitrust laws.

I do not believe that true competition can be attained so long as Microsoft is allowed to own standards, whether programming standards in the form of APIs, or in file formats such as .doc or .avi. If one looks at the history of Microsoft's ascendance, it seems to me a large part of their success has derived from their tendency to change API and file formats at will, forcing would-be competitors to play an endless game of catch up. Microsoft Word is the de facto word processor, not because of its technical merits, but because it is the only program that can reliably read and write .doc documents. Can it truly be good for consumers to be forced to buy the latest Microsoft product so they can simply communicate?

For there to be competition, Microsoft needs to freely publish changes to their file formats and APIs several months in advance of any Microsoft product actually using them, thus giving potential competitors the opportunity to compete on features that are important to consumers.

In my reading of the settlement proposal, I find it to be entirely inadequate. Microsoft is very good at squirming through the holes in the fine print, and I see some large holes indeed. Plus, there seem to be no measures to prevent Microsoft from realizing the gain from their illegal behavior, and I believe that was one of the directives of the Appeals Court's findings.

It is my hope that the proposed settlement will be rejected. Consumer choice is the engine that drives innovation, and the single choice of Microsoft or nothing is almost no choice at all.

Thank you for your attention,

Jem Lewis

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